

CITY OF WATERVILLE

REGULAR MEETING

COUNCIL MINUTES
MEETING BEING HELD VIA ZOOM

JANUARY 5, 2021

MEMBERS OF THE PUBLIC WHO WISH TO PARTICIPATE IN THE MEETING MUST CONTACT THE CITY CLERK'S OFFICE BY 5 P.M. ON THE DATE OF THE MEETING TO RECEIVE LOG IN OR CALL IN CREDENTIALS.

LIVE STREAMING IS AVAILABLE VIA A LINK BEING PROVIDED ON THE CITY'S WEBSITE ON THE MAIN PAGE AT WWW.WATERVILLE-ME.GOV.

PUBLIC COMMENTS AND QUESTIONS SHOULD BE EMAILED TO
PUBCOMMENT@WATERVILLE-ME.GOV

Note: If there is a failure during a livestream, a new link will be created and posted. If you're having difficulty viewing the livestream, click on the link again, since it may have been updated.

REGULAR MEETING

7:00 P.M.

PRESENT: J COELHO, MAYOR
MIKE ROY, CITY MANAGER

COUNCILORS: MICHAEL MORRIS, FLAVIA OLIVEIRA, THOMAS KLEPACH,
REBECCA GREEN, RICHARD FOSS, CLAUDE FRANCKE, ERIK
THOMAS

ADMINISTRATION OF OATHS OF OFFICE

COUNCILORS FLAVIA OLIVEIRA, REBECCA GREEN, CLAUDE FRANCKE

ELECTION OF COUNCIL CHAIR

Motion Made and Seconded to Nominate Erik Thomas
Councilors Voting Yes: Morris, Oliveira, Klepach,
Green, Foss, Francke, Thomas
Councilors Voting No: None
Vote: All in Favor (7-0)

DISCLOSURE OF CONFLICT OF INTEREST

COUNCILOR FOSS ANNOUNCED A CONFLICT WITH VOTING ON RESOLUTION 17-2021 AS HIS WIFE WAS BEING RECOMMENDED TO SERVE ON THE FAIR HEARING AUTHORITY, TO WHICH SOLICITOR LEE INDICATED THAT THE COUNCIL COULD VOTE TO REMOVE THE FAIR HEARING AUTHORITY AND VOTE ON THOSE APPOINTMENTS SEPARATELY

APPROVAL OF CONSENT AGENDA

MINUTES OF CITY COUNCIL MEETING OF DECEMBER 15, 2021

RESOLUTION 1-2021	ROLL OF ACCOUNTS NO 1
RESOLUTION 2-2021	AUTHORIZATION FOR THE CITY CLERK TO ISSUE VICTUALER'S LICENSE RENEWALS
RESOLUTION 3-2021	AUTHORIZATION FOR THE CITY CLERK TO ISSUE THEATER LICENSE RENEWALS
RESOLUTION 4-2021	AUTHORIZATION FOR THE CITY CLERK TO ISSUE PAWNBROKER/SECONDHAND LICENSE RENEWALS
RESOLUTION 5-2021	AUTHORIZATION FOR THE CITY CLERK TO ISSUE MOBILE FOOD VENDOR LICENSE RENEWALS
RESOLUTION 6-2021	AUTHORIZATION FOR THE CITY CLERK TO PREPARE, ON A PERIODIC BASIS, A LIST OF LIQUOR LICENSES THAT WILL BE SUBJECT TO RENEWAL; AND TO AUTHORIZE THE CLERK'S OFFICE TO TAKE CERTAIN ACTIONS WITH REGARD TO LIQUOR LICENSE RENEWALS
RESOLUTION 7-2021	AUTHORIZATION FOR THE CITY CLERK TO APPROVE APPLICATIONS FOR LIQUOR CATERING PRIVILEGES
RESOLUTION 8-2021	AUTHORIZATION FOR THE CITY CLERK TO ISSUE INNKEEPER LICENSE RENEWALS
RESOLUTION 9-2021	AUTHORIZATION FOR CITY CLERK TO APPROVE APPLICATIONS FOR BEANO/BINGO/GAMES OF CHANCE PRIVILEGES
RESOLUTION 10-2021	AUTHORIZATION FOR THE CITY CLERK TO ISSUE CANVASSING/SOLICITATION PERMITS
RESOLUTION 11-2021	AUTHORIZATION EMPOWERING THE CITY MANAGER AND FINANCE DIRECTOR TO BE SIGNATORIES ON BANK ACCOUNTS MAINTAINED BY THE CITY OF WATERVILLE
RESOLUTION 12-2021	AUTHORIZATION FOR FINANCE DIRECTOR TO ISSUE QUITCLAIM DEEDS FOR THE RELEASE OF TAX-ACQUIRED PROPERTY
RESOLUTION 13-2021	AUTHORIZATION FOR DONATING REVENUES FROM SNOWMOBILE REGISTRATIONS TO THE CENTRAL MAINE SNOWMOBILE CLUB
RESOLUTION 14-2021	AUTHORIZATION FOR THE CITY CLERK TO ISSUE MARIJUANA LICENSE RENEWALS
RESOLUTION 15-2021	AUTHORIZATION FOR THE CITY CLERK TO ISSUE SHORT-TERM RENTAL LICENSE RENEWALS

UNFINISHED CONSENT ITEMS

ORDER 279-2020	APPROVAL OF FORFEITURE (ARCHER)
ORDER 280-2020	APPROVAL OF FORFEITURE (HORNE)

Motion Made and Seconded for Approval of Consent
Agenda
Vote: All in Favor (7-0)

Motion Made and Seconded to Read All Items by Title
Only
Councilors Voting Yes: Morris, Oliveira, Klepach,
Green, Foss, Francke, Thomas
Councilors Voting No: None
Vote: All in Favor (7-0)

UNFINISHED BUSINESS

RESOLUTION 260-2020 HIRING A CONSULTANT TO ADVISE THE CITY ON SOLAR
ENERGY ISSUES

Motion Made and Seconded to Adopt
Councilor Foss noted that this had the same fee
structure as the last time it was discussed.
Councilor Klepach questioned the amount of anticipated
savings.
Councilor Green explained that the fee is based on the
amount of savings realized.
Phil Bofia, Chair of the Solar Committee, expressed
his concern that the Solar Committee was not included
in the discussions and that those members work for
free, stating that we should not have to spend money
on a consultant.
Mayor Coelho pointed out that we are not buying solar
but are hiring a specialist to save money.
Mike Roy explained that this topic is very complex and
involves billing credits, where to purchase solar, how
residents can take advantage and whether we should put
solar on city buildings.
Councilor Klepach questioned whether the term would
coincide with the agreement credits, to which
Councilor Green responded that the term is 20 years
according to the legislation.
Councilor Thomas stated that the staff has limited
capacity and that they are not experts, adding that
the role of the Solar Committee will be to engage with
the consultant moving forward.
Councilor Klepach questioned Bill Lee whether the
agreement language is negotiable regarding the term
length and the fees.
Bill Lee responded that the term is fixed at 10%, and
that we only pay if we save money.
Phil Bofia questioned why we were shifting away from
buying energy from Cynergy.

Councilor Green responded that we are not shifting because we have not purchased any energy yet, but that we are simply approving an agreement to secure a consultant to help navigate the net energy billing credit, which is separate from energy purchased and energy produced in excess on the grid.

Mayor Coelho pointed out that the two issues are not connected.

City Manager Roy reiterated that we are not shifting, but simply are hiring a consultant.

Councilors Voting Yes: Morris, Oliveira, Klepach, Green, Francke, Thomas

Councilors Voting No: Foss

Vote: (6-1)

ORDER 286-2020 AMENDMENT TO ORDER 65-2019 (SOLAR FACILITY SITE)

Motion Made and Seconded to Adopt

Motion Made and Seconded to Postpone to the Next Meeting

Councilors Voting Yes: Morris, Oliveira, Klepach, Green, Foss, Francke, Thomas

Councilors Voting No: None

Vote: All in Favor (7-0)

ORDER 275-2020 APPROVING TAX INCREMENT FINANCING DISTRICT
(COLBY MAIN STREET PROPERTIES) AND RELATED
DEVELOPMENT PLAN

Motion Made and Seconded to Adopt

Councilor Thomas shared that he had met with Jim Saffian to discuss using TIF funds for roads and sidewalks and had learned that in any given year that excess TIF funds can be transferred to the general fund.

Councilor Francke noted that the TIF could generate substantial money and that we need more time for discussion.

Mayor Coelho pointed out that we need to find money for the roads in the South End.

Councilor Klepach questioned the affect that transferring TIF funds into the general fund would have on the valuation of the city.

Mayor Coelho answered that it would have an effect on the city's valuation but that it would not be long-term.

Councilor Thomas clarified that it would affect one year of the city's valuation, but we would see the hit 2-3 years later.

Councilor Klepach asked if there was a downside to the concept of transferring TIF funds into the general fund.

City Manager Roy said that they were looking into the accounting and are exploring the concept of moving TIF

funds into a reserve account for things like the Concourse project.
Councilor Thomas pointed out that TIF funds placed in a reserve account could be used for bond payments. Mr. Thomas noted that there is no money going back to Colby, and that future City Councils can change the terms of any TIF, adding that the priority now is to use the funds to fix roads and sidewalks.
Councilor Klepach said that the benefit of the TIF is to protect taxpayers, noting that the tax base can't absorb the net increase to the value of the city.
Motion Made and Seconded to Postpone to the Next Meeting
Councilors Voting Yes: Morris, Oliveira, Klepach, Green, Foss, Francke, Thomas
Councilors Voting No: None
Vote: All in Favor (7-0)

NEW BUSINESS

RESOLUTION 16-2021 AMENDMENT TO HOST FEE AGREEMENT

Motion Made and Seconded to Adopt
Councilor Klepach noted that when the City Council approved the sale of the property, that the purchaser had agreed to protect the wetlands, but that he was concerned that the parcel was now being proposed to be used to connect the two parcels and questioned what leverage to ensure the protection of the natural resource we would have if we approve the host fee. Bill Lee explained that the Conservation Declaration is a protective covenant that goes to the next owner, which would require permission from the DEP to alter it.
Councilor Klepach explained that he wants more clarity from Pine Tree Waste as to what their intentions are on the use of that land.
City Manager Roy stated that if the City Council approved the fee agreement tonight, that we are under no obligation to sell the land since there is no Purchase and Sale Agreement, noting that the city can push for protection of the wetlands.
Mayor Coelho said that Pine Tree could be using the threat to move their operation to another town as negotiating tactics.
Councilor Thomas urged caution about repeating what Pine Tree says, and that whatever they want to do on this lot must have the approval of the DEP.
Councilor Francke questioned the urgency of moving forward this, to which Mayor Coelho responded that one won't happen without the other.
Councilor Foss noted that we all want the best deal but pointed out that DEP will regulate the wetland protection.

Councilors Green and Klepach expressed an interest in getting more clarity on the specifics of what will be one with the lot.

Bill Lee stated that the City Council can request more information on the project as things develop.

Council Thomas pointed out that Pine Tree would have to go through a site plan review with the Planning Board, which would detail the environmental impacts.

Resident Michael Mosely thanked Council Klepach for sharing his concern about the environmental impact.

Councilors Voting Yes: Morris, Oliveira, Klepach, Green, Foss, Francke, Thomas

Councilors Voting No: None

Vote: All in Favor (7-0)

RESOLUTION 17-2021 APPOINTING CITIZENS TO VARIOUS BOARDS AND
COMMITTEES

Motion Made and Seconded to Adopt

Motion Made and Seconded to Remove the Fair Hearing Authority to Vote on that Board separately

Councilors Voting Yes: Morris, Oliveira, Klepach, Green, Foss, Francke, Thomas

Councilors Voting No: None

Vote: All in Favor (7-0)

Vote on Remaining Boards:

Councilors Voting Yes: Morris, Oliveira, Klepach, Green, Foss, Francke, Thomas

Councilors Voting No: None

Vote: All in Favor (7-0)

Vote on Fair Hearing Authority Only:

Councilors Voting Yes: Morris, Oliveira, Klepach, Green, Francke, Thomas

Councilors Voting No: None

Councilors Abstaining: Foss

Vote: All in Favor (6-0)

City Clerk Dubois Administered the Oaths of Office to those in attendance via Zoom.

RESOLUTION 18-2021 APPOINTMENT OF CITY CLERK AS REGISTRAR OF VOTERS

Motion Made and Seconded to Adopt

Councilors Voting Yes: Morris, Oliveira, Klepach, Green, Foss, Francke, Thomas

Councilors Voting No: None

Vote: All in Favor (7-0)

RESOLUTION 19-2021 APPROVAL OF CITY MANAGER EMPLOYMENT CONTRACT

Motion Made and Seconded to Adopt
Councilor Thomas indicated a Conflict of Interest in voting on this item and recused himself.
Councilor Francke thanked those involved in the hiring process.
Councilors Voting Yes: Morris, Oliveira, Klepach, Green, Foss, Francke, Thomas
Councilors Voting No: None
Councilors Abstaining: Thomas
Vote: All in Favor (6-0)

RESOLUTION 20-2021 EMPLOYMENT EXTENSION FOR CITY MANAGER

Motion Made and Seconded to Adopt
Councilors Voting Yes: Morris, Oliveira, Klepach, Green, Foss, Francke, Thomas
Councilors Voting No: None
Vote: All in Favor (7-0)

ORDINANCE 21-2021 AMENDMENT TO ZONING (155 KMD)

Motion Made and Seconded to Adopt
Councilors Voting Yes: Morris, Oliveira, Klepach, Green, Foss, Francke, Thomas
Councilors Voting No: None
Vote: All in Favor (7-0)

COUNCILOR UPDATES

Councilor Thomas thanked the City Councilors for voting him in as Chair and said that the city is lucky to have the services of Mike Roy for the extended time.

Councilor Francke asked how the city's staff is holding up during the rise in pandemic cases. City Manager Roy said that there had been 5 employees who have tested positive that were not in direct contact with other city employees, and that the Police and Fire Department staff had been in contact with a person with COVID-19 over the weekend.

Fire Chief Esler recognized City Manager Roy and Dr. Pay for their support during the pandemic.

MANAGER'S REPORT

City Manager Roy announced that the city had been invited to apply for the design phase of the Working Communities Challenge Grant, which would focus on the area along the Kennebec River encompassing the South End, Downtown and the North End. Garvan Donegan, of the Central Maine Growth Council, explained that the Design Phase application deadline was January 31st, and announced a work session on Tuesday, January 12 at 4:30 p.m. via Zoom and invited interested parties to participate. Mayor Coelho thanked Mr. Donegan for the work he has done. Councilor Francke encouraged attendance at the work session on Tuesday.

Fire Chief Esler gave a brief update on the status of the recent agreement between the City of Waterville and Delta and summarized that the plan is going as projected, that we have eliminated the duplication of service where both Delta and the city would be dispatched to a call for service, and that the service is beneficial and that revenues are the most ever generated at the department.

Motion Made and Seconded to Adjourn
Adjourned at 9:10 p.m.

_____City Clerk